

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ORLANDO PADILLA-AYALA,)	
)	
<i>Petitioner,</i>)	
)	STIPULATION AND ORDER
)	
v.)	Case No. 9:21-cv-1332
)	(BKS/TWD)
)	
DAVID CHRISTENSEN,)	
)	
)	
<i>Respondent.</i>)	
)	

WHEREAS, on August 19, 2021, Petitioner submitted an “Inmate Request to Staff” form requesting that BOP officials “complete a Nunc Pro Tunc computation of time in regards to. . . time [he] served in State Custody.” Dkt. #1 at 4.

WHEREAS, in response to Petitioner’s request, the U.S. Bureau of Prisons (“BOP”) sought the position of the federal court that sentenced Petitioner, the U.S. District Court for the District of Puerto Rico (“Sentencing Court”), regarding the retroactive designation of the state institution for the concurrent service of the federal sentence;

WHEREAS, on or about January 10, 2022, the Sentencing Court notified BOP that Petitioner’s request for a retroactive designation was granted and ordered Petitioner’s federal sentence to run concurrent with his New Jersey state case;

WHEREAS, accordingly, BOP has updated Petitioner’s federal sentence computation to reflect a 216-month term commencing on February 24, 2017, the date it was imposed;

WHEREAS, in addition, BOP has determined that the time spent in state presentence custody, between February 9, 2015 and February 23, 2017, has been credited toward Petitioner's 216 month federal term;

WHEREAS, as a result of the revised sentence computation, Petitioner's projected release date has been updated from May 24, 2035 to July 8, 2030;

WHEREAS, Petitioner filed a writ of habeas corpus pursuant to 28 U.S.C. § 2241, on or about December 13, 2021. Dkt. #1;

WHEREAS, as a result of BOP's revision of Petitioner's sentence computation, the relief sought by Petitioner's writ of habeas corpus has been rendered nonjusticiable as moot;

WHEREAS, no party hereto is an infant or incompetent person;

WHEREAS, the parties seek to resolve this action without additional litigation, without the admission of liability by either party, and with Petitioner and Respondents each bearing their own attorney's fees and costs;

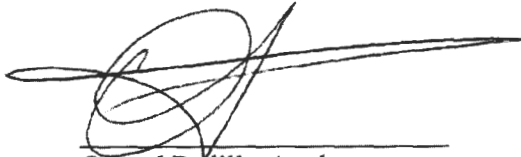
IT IS HEREBY STIPULATED AND AGREED by and between the parties as follows:

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) that this action is discontinued without prejudice to any of Petitioner's rights or remedies, including, without limitation, his right to reopen, re-file, or otherwise reinstate this action, and that each party should bear their own costs.

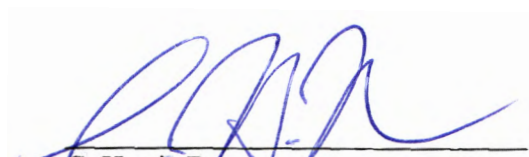
Ray Brook, NY
February 9, 2022

Albany, NY
February 9, 2022

CARLA B. FREEDMAN
United States Attorney
Northern District of New York
Attorney for Defendants

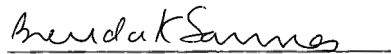


Orland Padilla-Ayala
46328-069
Ray Brook FCI
P.O. Box
Ray Brook, NY 12977



C. Harris Dague
Assistant United States Attorney
James T. Foley U.S. Courthouse
445 Broadway, Rm 218
Albany, NY 12207

SO ORDERED:



HON. BRENDA K. SANNES

UNITED STATES DISTRICT JUDGE

Dated: February 10, 2022